

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Michael Smalley Sr.
Betty Smalley

Debtors

Bankruptcy No. 12-58830
Honorable WALTER SHAPERO
Chapter 13

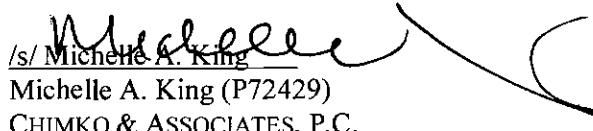
DEBTORS' SECOND PROPOSED PLAN MODIFICATION

Debtors, by and through their attorneys, CHIMKO & ASSOCIATES, P.C. in support of their Second Proposed Plan Modification, states as follows:

1. Debtors' case was filed on August 15, 2012, and confirmed on December 7, 2012.
2. Debtors need to have the septic system replaced on their real property. The system is over twenty years old, and the home was purchased with the knowledge that this would need to be replaced at some time (see Exhibit A - Jackson County Health Department letter). Debtors have had an estimate for the replacement of the septic system, and the costs for the company to replace it are \$7,500.00 (see Exhibit B – Proposal). Debtors also need to have tests done on the water and a permit which will cost approximately \$500.00.
3. Debtors received an income tax refund for tax year 2012 in the amount of \$3,697.00 and currently are holding onto the funds.
4. For the above reasons, debtors propose to excuse their 2012 income tax refund in the amount of \$3,697.00 to help pay for the septic replacement.
5. For the above reasons, debtors propose to excuse two future plan payments in the amount of \$2,114.29 (the amount of plan payments in the step increase effective June 14, 2013) so that they will have enough funds to pay for the septic replacement as it is needed.
6. For the above reason, debtor proposes to reduce the base amount offered to Class Eight general unsecured creditors from \$37,012.92 of all filed claims a base amount of \$4,623.44 of all filed claims.
7. The proposed plan modification will have no impact on Classes One, Two, Three, Four, Five, Six, Seven or Eight.

WHEREFORE, Debtors respectfully request this honorable court grant their Second Proposed Plan Modification.

Dated: May 17, 2013


/s/ Michelle A. King
Michelle A. King (P72429)
CHIMKO & ASSOCIATES, P.C.
26212 Woodward Avenue
Royal Oak, MI 48067
(248) 284-1661
dmengel@chimkolaw.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Michael Smalley Sr.
Betty Smalley

Bankruptcy No. 12-58830
Honorable WALTER SHAPERO
Chapter 13

Address: 1150 Losey Road, Rives Junction, MI 49277

SSN: xxx-xx-1224
SSN: xxx-xx-3541

Debtors

/

NOTICE OF DEADLINE TO OBJECT TO PROPOSED CHAPTER 13 PLAN MODIFICATION

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The deadline to file an objection to the attached proposed Chapter 13 plan modification is **21 days after service.** Any objection must be filed with Court at:

United States Bankruptcy Court, 211 West Fort Street, Detroit, MI 48226

Your objection must be received by the Court on or before the date stated above. All attorneys are required to file pleadings electronically.

Objections to the attached proposed plan modification must also be served on the following:

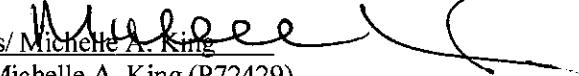
Tammy Terry, Chapter 13 Trustee, 535 Griswold, Suite 2100, Detroit, MI 48076
CHIMKO & ASSOCIATES, P.C. 26212 Woodward Avenue, Royal Oak, MI 48067

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed and served, the clerk will set the matter for hearing and give notice of the hearing to the Debtor, the proponent of the plan modification, the Trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: May 17, 2013


/s/ Michelle A. King
Michelle A. King (P72429)
CHIMKO & ASSOCIATES, P.C.
26212 Woodward Avenue
Royal Oak, MI 48067
(248) 284-1661
dmengel@chimkolaw.com



Jackson County Health Department
410 Erie Street • Jackson, Michigan 49202-2297 • (517) 788-4420 • FAX (517) 788-4373

April 26, 1996

RE: sewage disposal system at 1150 Losey Rd., Rives Twp., Section 10

Permit #1029, issued on June 30, 1995, was issued with the intent that the system would be gravity fed. Due to high seasonal water table at 36", the absorption bed was placed at existing grade. The final disposal field was built according to permit.

The sewer line exits the house beneath the floor. It is a split-level structure with bathroom and laundry on lower level. The septic tank is approximately 3 feet below grade. The concern is that seasonal ground water levels may affect the tank by allowing infiltration of water through the access lids. Risers were placed over the lids and sealed with tar.

The pump chamber (250 gallon), was kept shallow in order to keep the mid-seam of the tank as high as possible. This will allow a maximum dose of approximately 80-90 gallons. A standard recommended dose for this field would be approximately 150 gallons.

The inlet to the septic tank was allowing water into the tank during periods of rain. Work was performed on the tile system around the house, and the inlet pipe was re-sealed. This appears to have substantially reduced, if not resolved the problem.

It was decided by this department to allow the system to remain as is, with the understanding that any potential buyers of the property be made aware of the situation and the implications thereof.

Matthew K. Horning

Matthew K. Horning 4/26/96

Environmental Sanitarian

I understand and agree with this letter.

Melvin D. Johnston, builder

"Equal Opportunity Employer"

Accounting
788-4487

EPSDT Clinic
788-4430

Health Education
788-4655

Nursing Division
788-4411

WIC Program - Erie St.
788-4484

AIDS Counseling & Testing
788-4479

Environmental Health Division
788-4433

Home Health Services
788-4468

Senior Health Screening
788-4430

WIC Program - High St.
788-4423

Children's Special Health Care
788-4422

Family Planning Program
788-4460

Laboratory
788-4469

Sexually Transmitted Disease Clinic
788-4477

recycled paper

PROPOSAL

Tax I.D. #38-2886-394

DRAIN PRO
5070 Young Rd.
Jackson, MI 49201
517.206.0971

DATE	Proposal No.
4/25/2013	584

BILL TO

Betty Smalley
1150 Losey Rd.
Jackson, MI
(517) 262-4925

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	PROPOSAL for installing a new septic system, with the sewer pipe from the house as high on the wall as possible. This is a high ground water area.			0.00
	(1) 1500 gallon, 2-compartment septic tank, sealed around seam, with ground surface level risers. INSTALLED	1.0	1469.90	1,469.90
	(1) 1000 gallon Pump Chamber, sealed at seam, ground surface riser. Use existing pump and electric box. INSTALLED	1.0	1130.70	1,130.70
	(3) Ground level green covers	3.0	80.0	240.00
	70 ft. of 3" & 4" sewer pipe for new connections through the wall			560.00
	Plug existing sewer under floor			75.00
	Approximate cost for pumping old tanks			835.00
	Crush & fill old septic & pump tanks SUB TOTAL FOR SEPTIC TANKS: \$4,500.60			190.00
				0.00
	1,000 sq. ft. of Drainbed - 20' x 50' - with all material, labor & equipment included - INSTALLED SUB TOTAL FOR DRAINBED - \$3,000.00 *Permits extra*			3,000.00
Proposals valid for 30 days		Total		7,500.60

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Debtors

Bankruptcy No. 12-58830
Honorable WALTER SHAPERO
Chapter 13

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the following:

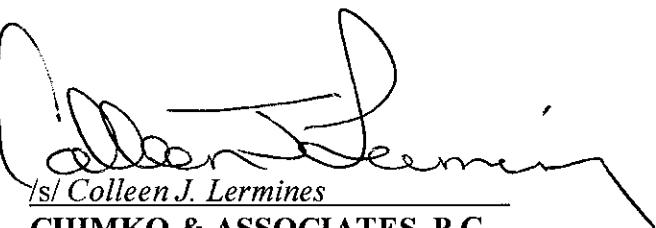
Second Chapter 13 Post-Confirmation Plan Modification

was electronically served on the 20th day of May, 2013, upon:

Tammy L. Terry mieb_ecfadmin@det13.net

was served via First Class Mail, pre-paid postage, on the 20th day of May, 2013, addressed as follows:

All parties on the attached matrix.



/s/ Colleen J. Lerminez

CHIMKO & ASSOCIATES, P.C.
Colleen J. Lerminez, Legal Assistant
26212 Woodward Avenue
Royal Oak, MI 48067
(248) 284-1661
dmengel@chimkolaw.com

Label Matrix for local noticing
 0645-2
 Case 12-58830-wsd
 Eastern District of Michigan
 Detroit
 Mon May 20 10:46:41 HDT 2013

Santander Consumer USA
 P.O. Box 560284
 Dallas, TX 75356-0284

Michigan Rural Rehabilitation Corporation
 P.O. Box 188
 Marshall, MI 49068-0188

CitiMortgage, Inc.
 P.O. Box 688971
 Des Moines, IA 50368-8971

AZUREA I, LLC
 C O WEINSTEIN AND RILEY, PS
 2001 WESTERN AVENUE, STE 400
 SEATTLE, WA 98121-3132

Allegiance Health
 Physician Billing
 205 N. East Avenue
 Jackson, MI 49201-1753

Allegiance Health
 W.A. Foote Memorial -
 Department 64787
 Drawer 64000
 Detroit, MI 48264-0001

American Medical Collection Agency
 4 Westchester Plaza
 Suite 110
 Elmsford, NY 10523-1615

Applied Bank
 P.O. Box 11170
 Wilmington, DE 19850-1170

CAPITAL ONE BANK (USA), N.A.
 PO Box 12907
 Norfolk VA 23541-0907

CAPITAL ONE, N.A.
 PO Box 12907
 Norfolk VA 23541-0907

Capital One
 Bankruptcy Claims Servicer
 P.O. Box 85167
 Richmond, VA 23285-5167

Capital One NA
 c/o Becket and Lee LLP
 POB 3001
 Malvern PA 19355-0701

Center for Family Health
 505 N. Jackson Street
 Jackson, MI 49201-1266

CitiFinancial, Inc.
 P.O. Box 70919
 Charlotte, NC 28272-0919

CitiMortgage, Inc.
 P.O. Box 6243
 Sioux Falls, SD 57117-6243

Client Services, Inc.
 3451 Harry S. Truman Blvd.
 Saint Charles, MO 63301-9816

Convergent Outsourcing, Inc.
 800 SW 39th Street
 P.O. Box 9004
 Renton, WA 98057-9004

Country Door
 1112 7th Avenue
 Monroe, WI 53566-1364

Country Door
 c/o Creditors Bankruptcy Service
 P.O. Box 740933
 Dallas, TX 75374-0933

Credit One Bank
 P.O. Box 98873
 Las Vegas, NV 89193-8873

Fingerhut
 Credit Account Services
 P.O. Box 1250
 Saint Cloud, MN 56395-1250

First Financial Asset Mgmt, Inc
 P.O. Box 901
 Fort Mill, SC 29716-0901

First Premier Bank
 P.O. Box 5519
 Sioux Falls, SD 57117-5519

GE Capital Retail Bank
 Attn: Bankruptcy Department
 PO Box 960061
 Orlando FL 32896-0661

GE Capital Retail Bank
 P.O. Box 960061
 Orlando, FL 32896-0061

GE Capital Retail Bank
 c/o Recovery Management Systems Corp
 25 SE 2nd Ave Suite 1120
 Miami FL 33131-1605

GE Money Bank - CareCredit
 Attn: Bankruptcy Department
 P. O. Box 103104
 Roswell, GA 30076-9104

GE Money Bank - JC Penney
 Attn: Bankruptcy Department
 P.O. Box 103104
 Roswell, GA 30076-9104

GE Money Bank - Lowe's
 Attn: Bankruptcy Department
 P.O. Box 103104
 Roswell, GA 30076-9104

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 Label size 1" x 2 5/8" compatible with Avery® 5160/8160

GE Money Bank - Meijer
 Attn: Bankruptcy Department
 P.O. Box 103104
 Roswell, GA 30076-9104

GE Money Bank - Walmart
 Attn: Bankruptcy Department
 P.O. Box 103104
 Roswell, GA 30076-9104

GETTINGTON (ISSUED BY WEBBANK)
 6250 RIDGEWOOD ROAD
 ST.CLOUD, MN 56303-0820

Ginny's
 1112 7th Avenue
 Monroe, WI 53566-1364

Ginny's
 c/o Creditors Bankruptcy Service
 P.O. Box 740933
 Dallas, TX 75374-0933

HSBC Card Services
 P.O. Box 5226
 Carol Stream, IL 60197-5226

Household Bank
 P.O. Box 5222
 Carol Stream, IL 60197-5222

Independent Emergency Physicians, PC
 P.O. Box 674474
 Detroit, MI 48267-4474

Jefferson Capital Systems LLC
 PO BOX 7999
 SAINT CLOUD MN 56302-7999

Juniper Bank
 P.O. Box 13337
 Philadelphia, PA 19101-3337

K. Jordan
 P.O. Box 2809
 Monroe, WI 53566-8009

Kohl's
 P.O. Box 3043
 Milwaukee, WI 53201-3043

LJ Ross & Associates, Inc.
 6360 W. Jackson Road
 Suite 1
 Ann Arbor, MI 48103-9597

LVNV Funding, LLC its successors and assigns
 assignee of FNBW LLC
 Resurgent Capital Services
 PO Box 10587
 Greenville, SC 29603-0587

MERRICK BANK
 Resurgent Capital Services
 PO Box 10368
 Greenville, SC 29603-0368

MQC Collection Services
 P.O. Box 140250
 Toledo, OH 43614-0250

Mason Easy Pay
 P.O. Box 2808
 Monroe, WI 53566-8008

Massey's
 P.O. Box 2822
 Monroe, WI 53566-8022

Merrick Bank
 P.O. Box 9201
 Old Bethpage, NY 11804-9001

Monroe & Main
 1112 7th Avenue
 Monroe, WI 53566-1364

Monroe & Main
 c/o Creditors Bankruptcy Service
 P.O. Box 740933
 Dallas, TX 75374-0933

Nadeem Ullah MD LLC
 720 W. Franklin Street
 Unit 2
 Jackson, MI 49201-1676

OneMain Financial
 Bankruptcy Department
 P.O. Box 140489
 Irving, TX 75014-0489

PRA Receivables Management, LLC
 POB 41067
 Norfolk, VA 23541-1067

Podiatric Surgeons PC
 823 E. Michigan Ave.
 Jackson, MI 49201-2401

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
 PO BOX 41067
 NORFOLK VA 23541-1067

Potestivo & Associates, P.C.
 811 South Boulevard East., Suite 100
 Rochester, MI 48307-5359

Premier Bankcard/Charter
 P.O. Box 2208
 Vacaville, CA 95696-8208

Quantum3 Group LLC as agent for
 MOMA Funding LLC
 PO Box 788
 Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
 World Financial Capital Bank
 PO Box 788
 Kirkland, WA 98083-0788

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Quest Diagnostics
 P.O. Box 7306
 Hollister, MO 65673-7306

Richard Dowd
 1121 N. Michigan Ave.
 Saginaw, MI 48602-4762

Rose City Family Practice, P.C.
 300 W. Washington Ave.
 Ste. 150
 Jackson, MI 49201-2175

Santander Consumer USA, Inc.
 Attention Bankruptcy Department
 P.O. Box 560284
 Dallas, TX 75356-0284

Sears Gold MasterCard
 P.O. Box 6922
 The Lakes, NV 88901-6922

Seventh Avenue
 1112 7th Avenue
 Monroe, WI 53566-1364

Seventh Avenue
 c/o Creditors Bankruptcy Service
 P.O. Box 740933
 Dallas, TX 75374-0933

The Swiss Colony
 1112 7th Avenue
 Monroe, WI 53566-1364

The Swiss Colony
 c/o Creditors Bankruptcy Service
 P.O. Box 740933
 Dallas, TX 75374-0933

WCBC - Blair
 Bankruptcy Department
 P.O. Box 183043
 Columbus, OH 43218-3043

Weh Bank, Gettinton.com
 6440 S. Wasatch
 Ste. 300
 Salt Lake City, UT 84121-3518

Wells Fargo Bank, N.A., dba Wells Fargo Dlr
 P.O. Box 19657
 Irvine, CA 92623-9657

Wells Fargo Financial Acceptance
 P.O. Box 250
 Essington, PA 19029-0250

eCAST Settlement Corporation
 POB 29262
 New York NY 10087-9262

Betty S. Smalley
 1150 Losey Road
 Rives Junction, MI 49277-9762

Michael E. Smalley Sr.
 1150 Losey Road
 Rives Junction, MI 49277-9762

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